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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,857	07/23/2001	Evan Hildreth	12121-002001	8772
26171	7590	08/22/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			DHARIA, PRABODH M	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/909,857	HILDRETH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Prabodh M. Dharia	2673

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
(b)  They raise the issue of new matter (see NOTE below);  
(c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachments. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 92-95.

Claim(s) rejected: 1-91 and 96-98.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 02-12-02,01-30-03

13.  Other: \_\_\_\_\_.

1. **Status:** Receipt is acknowledged of papers submitted on 08-04-2005 under requests for reconsideration, which have been placed of record in the file. Claims 1-98 are pending in this action; Claim 14 has been allowed.

***Response to Request for reconsideration***

2. Applicant's request for reconsideration received on 08-04-2005 are not entered, however, they do require further consideration and search, since they were not presented before final office action.

***Allowable Subject Matter***

3. Claims 92-95 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is an examiner's statement of reasons for allowance:  
a stereo vision system for interfacing with an application program running on a computer, the stereo vision system comprising: first and second video cameras arranged in an adjacent configuration and operable to produce a series of stereo video images; and a processor operable to receive the series of stereo video images and detect objects appearing in an intersecting field of view of the cameras, the processor executing a process to: define an object detection region in three-dimensional coordinates relative to a position of the first and second video cameras; select up to two hand objects from the objects appearing in the intersecting field of view that are within

the object detection region; and map position coordinates of the hand objects, as the hand objects move within the object detection region, to positions of virtual hands associated with an avatar rendered by the application program and the processor further executes a process to: detect position coordinates of a user within the intersecting field of view; and map the position coordinates of the user to a velocity function that is applied to the avatar to enable the avatar to roam through a virtual environment rendered by the application program and the velocity function includes a neutral position denoting zero velocity of the avatar; map the position coordinates of the user relative to the neutral position into torso coordinates associated with the avatar so that the avatar appears to lean and compare the position of the virtual hands associated with the avatar to positions of virtual objects within the virtual environment to enable the user to interact with the virtual objects while roaming through the virtual environment.

The cited references of 892's fail to anticipate individually or render obviousness individually as well as in combination the underlined bold claim above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments After final Office Action***

7. Applicant's arguments filed 08-04-2005 have been fully considered but they are not persuasive.

Applicant argues the cited reference of Pryor et al. does not enable object detection region as per teaching of claimed instant application.

Examiner disagrees as, Prior et al. teaches capturing a stereo image (page 8, paragraph 173, Lines 1-3, page 10, paragraph 239, Lines 1-4); defining an object detection region within a field of view of the stereo image and smaller than the field of view; (page 5, paragraphs 111-115 page 10,paragraphs 238-240, page 12, paragraph 267, the detection region will be tip of the pencil touching paper, and since field of view is paper the object detection region tip of the pencil touching the paper is obviously smaller than paper field of view, and these views are determined by cameras arrangement and processing the data received using computer; specifically photogrammetric equation to determine exact object detection region) processing the stereo image to determine position information of an object in the (page 8, paragraph 170, Lines 1-7, page 10, paragraph 239, Lines 5,6), object detection region with respect to the object detection region (page 5, paragraph 111, the detection region will be tip of the pencil touching paper, and since field of view is paper the object detection region tip of the pencil touching the paper is obviously smaller than paper field of view), the object being controlled by a user (page 5, paragraph 111, here human hands controlled by human hand, page 10, paragraph 239); and using the position information to allow the user to interact with a computer application (page 10, paragraph 239-241). Therefore the object detection region is enabled in prior art rejection using Prior et al. (US 2004/0046736 A1).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number 571-272-7768. The examiner can normally be reached on M-F 8AM to 5PM.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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August 11, 2005



VIJAY SHANKAR  
PRIMARY EXAMINER